



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,541	11/02/2001	Victor Lu	3561-102	6064

20575 7590 02/05/2008
MARGER JOHNSON & MCCOLLOM, P.C.
210 SW MORRISON STREET, SUITE 400
PORTLAND, OR 97204

EXAMINER

SERRAO, RANODHI N

ART UNIT	PAPER NUMBER
----------	--------------

2141

MAIL DATE	DELIVERY MODE
-----------	---------------

02/05/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/053,541	LU ET AL.
	Examiner	Art Unit
	Ranodhi Serrao	2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 19 November 2007.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-8 and 14-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-8 and 14-17 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 19 November 2007 have been fully considered but

they are not persuasive.

2. Applicant argued,

By our reading, the Ludewig Java applets appear pre-programmed at the server to store certain cookie values at the client irrespective of the traffic data that data mining code would compile. That is, the Java applet and accompanying Java cookie values are set at the server and only stored on the client based on a retrieved web page.

3. The examiner respectfully disagrees. In reference to figure 3 and col. 5, lines 41-

51, Ludewig states, "In one embodiment of the system, Java applet 330 stores cookie

data 350 relating to the preferences of client 135. For example, when client 135

downloads a Java applet stored on server 150, **the applet cookie 350 on client 135 is**

updated to include data identifying the subject-matter of the applet (or, e.g., the Web

page in which the applet is embedded)." Emphasis added. It is clear that cookie values

are not set at the server since the applet cookie 350 is updated on client 135.

4. Applicant further stated,

For example, Ludewig teaches that the Java applet returned with sound and/or video content for a particular brand of mountain bike would store a cookie indicating interests in mountain bikes. It is not clear at all that this cookie can in any way be changed—rather additional cookies are added and read in concert whenever the user expressed additional interested. This can be seen in Ludewig column 6, lines 1-2, 22-25 where the individual cookie data 420 and 421 is stored for "each applet 410, 411" (thus indicating that each applet stores its own new cookie values rather than overwriting old values) and "cookie 420 may contain data indicating that client 135 prefers outdoor activities [while] cookie 421 may contain information on the airline that client 421 prefers to use when traveling." This cookie data appears to be mutually exclusive and thus there appears to be

no need to modify the existing cookies. For instance, there is no disclosure within Ludewig that would suggest how an applet would change cookie 421 to Jet Blue from American Airlines if the user's airline preferences have changed.

5. Examiner points out that the column and lines cited by the applicant are of a different embodiment of Ludewig's invention than the one cited by the examiner. As stated in col. 5, lines 65-66, "Another embodiment of a system for using cookies in Java is illustrated in FIG. 4." As shown above in col. 5, lines 41-51, client cookie data is stored on the server, and after the client downloads the java applet 330 along with the cookie from the server, the cookie processing script (java applet 330) is operated at the client and new cookie values are obtained (cookie data 350 is updated). Therefore Ludewig teaches the claimed limitations.

6. Applicant also remarked,

Claims 2, 3 and 5-8 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Capps, et al. and Durham as applied to Claim 1, and further in view of U.S. Patent No. 6,112,240 (Pogue, et al.)

7. Applicant's statement that Pogue et al. was cited to teach the limitations of claim 3 is incorrect. Claim 3 was rejected under 35 U.S.C. 103(a) as being unpatentable over Capps et al., Pogue et al., and Ludewig et al. as applied to claims 1 and 2 above, and further in view of Davis et al. (2002/0040395). See previous Office Action.

8. Applicant moreover argued,

Pending claims 1-8 have been rejected under §103(a) as being an obvious combination of several references (Capps, Ludewig, Pogue, Davis, and Shrader). These references teach very different aspects of computer usage... The attempted combination of all of these disparate references to teach elements of a single claim rises to the level of hindsight analysis that runs counter to obviousness analysis as articulated by the law and interpreted by the courts.

9. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). Moreover contrary to applicant's statement that these references teach very different aspects of the computer usage, all of the cited references relate to client/visitor tracking systems and analysis.

10. Applicant also stated,

The Patent Office has failed to display the rigor required by the Federal Circuit holdings in demonstrating a suggestion within the art that the cited prior art references should be combined. For instance, the primary reference Capps concerns itself solely with a method for migrating user settings from a source computer to a destination computer. Capps does not address web site browsing, does not implicate web traffic tracking, and does not teach cookie manipulation. Whereas the present invention is directed to the client-side processing of a cookie to overcome security features against third-party cookies, Capps is not even in the same field of study.

11. The examiner respectfully disagrees. In col. 7, line 58-col. 8, line 15, Capps clearly manipulates client cookies, "To do so, data mining agent 304 opens select data files, e.g., system registry files, **cookie files**, control panel files, and the like through the client computer's operating system and copies select information from such files into the migration file created by mining agent 304 and associated with the user." Emphasis

added. Therefore Capps is in the same field of endeavor as the instant application, and it would have been obvious to one of ordinary skill in the art to combine Capps to teach the claimed invention.

12. Furthermore, applicant remarked,

Claim 14 has been amended to cite that the cookie processing script is associated with a different domain than the web page--that is, where the web page provider and the (web tracking) service provider are different entities. Bharat and de l'Etraz do not contemplate this feature.

13. In col. 5, line 8-25, Bharat states, "SearchPad 202 can be generated by a part of the browser or can be generated by a separate program communicating with the browser." SearchPad 202 is a javascript program that is of a different entity than the web page provider. This is further described in col. 9, line 60-10, line 7.

14. In conclusion, upon taking the broadest reasonable interpretation of the claims, the cited references teach all of the claimed limitations. And the rejections are maintained. See below.

Claim Rejections - 35 USC § 103

15. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

16. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ludewig et al. (6,327,609) and Capps et al. (6,735,691). Ludewig et al. teaches a method for tracking and reporting traffic activity on a web site (see Ludewig et al., col. 2, lines 1-13) comprising the steps of: storing a web page on a first server coupled to a wide area

network, said web page having web page code including a cookie processing script; uploading the web page to a visitor computer responsive to a request over the wide area network from the visitor computer; and, operating the cookie processing script at the visitor computer on the web browsing data to obtain new cookie values; and storing the new cookie on the visitor computer including the new cookie values (see Ludewig et al., col. 5, lines 8-51). But fails to teach data mining code and operating the data mining code on the visitor computer to obtain web browsing data. However, Capps et al. teaches data mining code and operating the data mining code on the visitor computer to obtain web browsing data (see Capps et al., col. 7, line 58-col. 8, line 15). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Ludewig et al. to data mining code and operating the data mining code on the visitor computer to obtain web browsing data in order to automatically configure a computer system with the configuration information of another computer (see Capps et al., col. 1, lines 7-10).

17. Claims 2 and 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Capps et al. and Ludewig et al. as applied to claim 1 above, and further in view of Pogue et al. (6,112,240).

18. As per claim 2, Capps et al. and Ludewig et al. teach the mentioned limitations of claim 1 above but fail to teach a method, further comprising the step of receiving the new cookie values at a second server. However, Pogue et al. teaches a method, further comprising the step of receiving the new cookie values at a second server (see Pogue

et al., col. 8, lines 52-59). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Capps et al. and Ludewig et al. to a method, further comprising the step of receiving the new cookie values at a second server in order to obtain client information relating to a web page in a World Wide Web site by utilizing a tracker tag in the code of the web page for initiating a client information tracking program (see Pogue et al., col. 2, lines 12-26).

19. As per claims 6-8, the above-mentioned motivation of claim 2 applies fully in order to combine Capps et al., Pogue et al., and Ludewig et al.

20. As per claim 6, Capps et al., Pogue et al., and Ludewig et al. teach a method, wherein the step of generating a new cookie includes the step of operating the cookie processing script on an old cookie associated with the web page and previously stored on the visitor computer (see Pogue et al., col. 7, lines 11-22).

21. As per claim 7, Capps et al., Pogue et al., and Ludewig et al. teach a method, further including the step of overwriting the old cookie with the new cookie (see Pogue et al., col. 7, lines 11-22).

22. As per claim 8, Capps et al., Pogue et al., and Ludewig et al. teach a method, further including the steps of: detecting that an old cookie exists on the visitor computer associated with the web site; tracking events on the visitor computer; processing the old cookie using cookie processing code in view of the tracked events to obtain new cookie values; and replacing the old cookie values with the new cookie values (see Pogue et al., col. 6, line 52-col. 7, line 22).

23. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Capps et al., Pogue et al., and Ludewig et al. as applied to claims 1 and 2 above, and further in view of Davis et al. (2002/0040395). Capps et al., Pogue et al., and Ludewig et al. teach the mentioned limitations of claims 1 and 2 above but fail to teach a method, further including the steps of: attaching the new cookie values to an image request associated with a designated URL source; and sending the image request to the URL source. However, Davis et al. teaches a method, further including the steps of: attaching the new cookie values to an image request associated with a designated URL source; and sending the image request to the URL source (see Davis et al., ¶ 46). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Capps et al., Pogue et al., and Ludewig et al. to a method, further including the steps of: attaching the new cookie values to an image request associated with a designated URL source; and sending the image request to the URL source in order to track the use and interaction of a user with a resource downloaded from a server on a network by use of a tracking program embedded in the resource and executable by a client (see Davis et al., ¶ 13).

24. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Capps et al., Ludewig et al., Pogue et al., and Davis et al. as applied to claims 1-3 above, and further in view of Shrader et al. (6,374,359). Capps et al., Ludewig et al., Pogue et al., and Davis et al. teach the mentioned limitations of claims 1-3 above but fail to teach a method, further including the step of decoding the new cookie values to obtain the web

browsing data. However, Shrader et al. teaches a method, further including the step of decoding the new cookie values to obtain the web browsing data (see Shrader et al., col. 2, lines 45-64). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Capps et al., Ludewig et al., Pogue et al., and Davis et al. to a method, further including the step of decoding the new cookie values to obtain the web browsing data in order to provide an architecture for the dynamic use and validation of HTTP cookies for authentication by an application running on a web server (see Shrader et al., col. 1, lines 62-65).

25. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Capps et al., Pogue et al., Davis et al., and Ludewig et al. Capps et al., Pogue et al., Davis et al., and Ludewig et al. teach a method, further including the steps of: compiling the web browsing data into a web page traffic report; and posting the report for viewing over the wide area network (see Pogue et al., col. 4, lines 30-60).

26. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bharat (6,810,395) and de l'Etraz et al. (6,073,138).

27. As per claim 14, Bharat teaches a method for analyzing activity on a web page of a web site (see Bharat, col. 4, lines 50-64) comprising the steps of: embedding cookie processing script, associated with a different domain than a domain of the web page, within a web page (see Bharat, col. 5, line 8-25); sending the web page to a client node (see Bharat, col. 9, lines 27-41); operating the cookie processing script on the client

node (see Bharat, col. 6, lines 41-50); and returning data resulting from the operation steps (see Bharat, col. 10, lines 27-32). But fails to teach a method of embedding data mining script within a web page; operating the data mining script on the client node. However, de l'Etraz et al. teaches a method of embedding data mining script within a web page (see de l'Etraz et al., col. 5, line 64-col. 6, line 6); operating the data mining script on the client node (see de l'Etraz et al., col. 6, lines 44-65). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Bharat to a method of embedding data mining script within a web page; operating the data mining script on the client node in order to allow proprietary individual contact data to be merged with accurate and up-to-date public information in order to explore the full scope (or sphere) of an individual's or business concern's scope of influence (see de l'Etraz et al., abstract).

28. As per claim 15, Bharat and de l'Etraz et al. teach a method, wherein the step of operating the cookie processing script on the client node includes: reading a cookie value from the client node (see Bharat, col. 3, lines 5-15); tracking events on the client node (see Bharat, col. 9, line 60-col. 10, line 7); processing cookie value based on the tracked events to obtain a new cookie value; and writing a new cookie value to the client node (see Bharat, col. 9, line 60-col. 10, line 19).

29. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bharat and de l'Etraz et al. as applied to claim 14 above, and further in view of Pogue et al. (6,112,240).

30. As per claim 16, Bharat and de l'Etraz et al. teach the mentioned limitations of claim 14 above but fail to teach a method, wherein the step of returning data includes the steps of: embedding data within an image request associated with a designated URL source; and sending the image request to the URL source. However, Pogue et al. teaches a method, wherein the step of returning data includes the steps of: embedding data within an image request associated with a designated URL source; and sending the image request to the URL source (see Pogue et al., col. 7, lines 11-22). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Bharat and de l'Etraz to a method, wherein the step of returning data includes the steps of: embedding data within an image request associated with a designated URL source; and sending the image request to the URL source in order to ascertained if the web browser 302 is still on, to records the time of each web page access, and also to obtain other information regarding the client computer (see Pogue et al., col. 5, lines 55-67).

31. As per claim 17, the above-mentioned motivation of claim 16 applies fully in order to combine Bharat, de l'Etraz et al., and Pogue et al. Bharat, Pogue et al., and de l'Etraz et al. teach a method, further including the steps of: compiling the web browsing data into a web page traffic report; and posting the report for viewing over the wide area network (see Pogue et al., col. 4, lines 30-60).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ranodhi Serrao whose telephone number is (571)272-7967. The examiner can normally be reached on 8:00-4:30pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571)272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

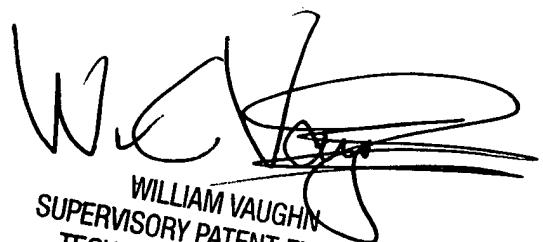
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RNS

R.N.S.

1/23/2008



WILLIAM VAUGHN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100